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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,166	07/28/2003	Terry M. Martin	200208612-1	5598
22879 7590 08/22/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
DAILEY, THOMAS J				
ART UNIT		PAPER NUMBER		
2152				
NOTIFICATION DATE		DELIVERY MODE		
08/22/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/628,166

**Applicant(s)**

MARTIN ET AL.

**Examiner**

THOMAS J. DAILEY

**Art Unit**

2152

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-15 and 25-34 are pending.
2. In view of the appeal brief filed on June 10, 2008 PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:
  - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
  - (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal, If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.
3. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Response to Arguments***

3. In light of the reopening of prosecution above, the previously filed after final amendments dated January 14, 2008 have been entered and made of record. Therefore, the claims being evaluated in the instant office action are those dated January 14, 2008.
4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 3 and 31-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 3 recites, "intercepting a the request" (lines 1-2). This limitation lacks antecedent basis in this or its parent claim.
8. Claim 31 recites, "information of the request" (lines 5-6) "to transmit the message" (line 9). "the message" and "the request" lack antecedent basis.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-15 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karakashian et al (US Pub. No. 2004/0064503), hereafter "Karakashian," in view of Felciano et al (US Pat. 6,052,730), hereafter "Felciano."
11. As to claim 1, Karakashian discloses a method for collecting data regarding network service operation (Abstract), the method comprising:
- a client sending a request to a network service ([0032], lines 4-7, web services client invokes (requests) a web service);
  - intercepting the request sent by the client and directed to the network service ([0032], lines 4-7, A protocol adapter intercepts the invoke (request));
  - storing information about the request ([0038], invocation context (information about the request) stores information related to the invocation); and
  - transmitting the request to the network service ([0033], lines 8-14).

But, Karakashian does not explicitly disclose the information about the request including a name of the client, a name of the network service, and a request sent time identifying when the request was sent by the client.

However, Felciano discloses storing information about a client request including a name of the client, a name of the network service, and a request sent time identifying when the request was sent by the client (column 2, lines 21-26).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Karakashian and Felciano to more effectively monitor client and web services interactions by storing specific information related to requests as disclosed in Felciano.

12. As to claims 13 and 25, they are rejected by a similar rationale set forth in claim 1's rejection.

13. As to claim 31, Karakashian discloses a system, comprising:

a first network service comprising an application program interface (API) that is configured to call a message handler ([0032], lines 4-7, web services client invokes (calls) a web service);

and a message handler that is called by the API, the message handler being configured

to intercept requests sent by the first network service and directed to second network service ([0032], lines 4-7, web services client invokes (calls) a web service and the request is intercepted by a protocol adapter (message handler)),

to store information about the request ([0038], invocation context (information about the request) stores information related to the invocation),

to interject information into the request including a session identification ([0038]),

to transmit the message to the second network service ([0033], lines 8-14),

to receive a response from the second network service ([0033], lines 18-19),

and

to store information about the response ([0036], lines 1-6).

But, Karakashian does not explicitly disclose the information about the request and response includes a name of the client, a name of the network service, and a request/response sent time identifying when the request was sent by the client.

However, Felciano discloses storing information about a client request including a name of the client, a name of the network service, and a request sent time identifying when the request was sent by the client (column 2, lines 21-26).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Karakashian and Felciano to more effectively monitor client and web services interactions by storing specific information related to requests as disclosed in Felciano.

14. As to claim 2, Karakashian and Felciano disclose intercepting the request comprises intercepting a request sent by a network service acting in the capacity of a client (Karakashian, [0032], lines 4-7, web services client invokes (calls) a web service)).
15. As to claims 3 and 14, Karakashian and Felciano disclose intercepting a request using a message handler that is separate from and called by the client or network service (Karakashian, Fig. 2 and [0032]).
16. As to claim 4, Karakashian and Felciano disclose storing information about the request using the message handler that is called by the client (Karakashian, [0038], invocation context (information about the request) stores information related to the invocation).
17. As to claims 5, 15, 26, and 32, Karakashian and Felciano disclose storing information about at least one of a message type (Karakashian, [0038])



18. As to claims 6 and 27, Karakashian and Felciano disclose interjecting instrumentation information into the request prior to transmitting the request to the network service, the instrumentation information including a session identification ([0038])
19. As to claim 7, Karakashian and Felciano disclose interjecting instrumentation information using a message handler that is separate from and called by the client (Karakashian, Fig. 2, [0032], and [0038]).
20. As to claim 8, Karakashian and Felciano disclose interjecting instrumentation information comprises adding instrumentation information to a header of the request (Karakashian, [0054])
21. As to claims 9 and 28, Karakashian and Felciano disclose interjecting at least one of a message type (Karakashian, [0038]).
22. As to claim 10, Karakashian and Felciano disclose receiving a response from the network service and storing data regarding the response in the session timing profile (Karakashian, [0036], lines 1-6).

23. As to claim 11, Karakashian and Felciano disclose storing data regarding the response comprises storing data using a message handler that is separate from called by the client (Karakashian, Fig. 2 and [0032]).
24. As to claims 12, 29, and 33, Karakashian and Felciano disclose storing in the session timing profile a source name of the network service, a response sent time identifying when the network service sent the response, and a destination name of the client (Karakashian, [0036], lines 1-6 and Felciano, column 2, lines 21-26).
25. As to claims 30 and 34, Karakashian and Felciano disclose the message handler is a simple object access protocol (SOAP) message handler (Karakashian, [0025]).

### ***Conclusion***

26. Applicant's amendment dated July 9, 2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
27. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./  
Examiner, Art Unit 2152

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2146